

**UNITED STATES DISTRICT COURT**  
 for the  
**Southern District of Indiana**  
**SUBPOENA TO TESTIFY BEFORE A GRAND JURY**

To: Indiana Virtual School/Indiana Virtual Pathways Academy  
 c/o Thomas Burroughs, registered agent  
 500 E. 96th Street, Suites 180 and 400  
 Indianapolis, IN 46240

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: Indianapolis Grand Jury  
 46 East Ohio Street  
 Room 459  
 Indianapolis, IN 46204

Date and Time: August 6, 2019 @ 9:00 a.m.

**YOU MUST** also bring with you the following documents, electronically stored information, or objects (blank if not applicable):

See Subpoena Attachment

In lieu of actual appearance before the Grand Jury, you may voluntarily waive your right to personally present the records and request a Special Agent to take custody of the documents to present to the Grand Jury. Please complete the Certification form and forward all documents to:

Federal Bureau of Investigation  
 ATTN: SA Matthew VanDevender  
 8825 Nelson B. Klein Parkway  
 Indianapolis, IN 46250  
 Phone: 317-845-2329  
 Fax: 317-845-4805  
 mtvandevender@fbi.gov

Date: July 12, 2019

  
 CLERK

Laura A. Briggs, Clerk, U.S. District Court  
*Signature of Clerk or Deputy Clerk*

The name, address, e-mail, and telephone number of the United States Attorney, or Assistant United States Attorney, who requests this subpoena, are:

Cindy J. Cho  
 10 West Market Street Suite 2100 Indianapolis, IN 46204  
 3172266333  
 Cindy.Cho@usdoj.gov

ATTACHMENT TO SUBPOENA NUMBER 2019R00346-033

ISSUED TO: Indiana Virtual School/Indiana Virtual Pathways Academy  
c/o Thomas Burroughs, registered agent  
500 E 96<sup>th</sup> Street, Suites 180 and 400  
Indianapolis, IN 46240

**DOCUMENTS REQUESTED**

- Student files for all students currently and previously enrolled at Indiana Virtual School and Indiana Virtual Pathways Academy, including transcripts and diplomas;
- Any and all records of attendance, course participation, or student presence at Indiana Virtual School and Indiana Virtual Pathways Academy, including records submitted to and maintained on edmentum.com and agilixbuzz.com;
- List identifying all vendors who provided services to Indiana Virtual School and Indiana Virtual Pathways Academy to include businesses, LLC's, non-profits, and individuals;
- All contracts between Indiana Virtual School/Indiana Virtual Pathways Academy and vendors that provided services to include businesses, LLC's, non-profits, and individuals;
- All receipts/invoices provided by vendors who provided services to Indiana Virtual School and Indiana Virtual Pathways Academy;
- Bank account information to include account number and bank routing number for all payments to vendors who provided services to Indiana Virtual School and Indiana Virtual Pathways Academy;
- All school board meeting notes and school board meeting summaries for Indiana Virtual School and Indiana Virtual Pathways Academy;
- All forms/correspondence submitted to Daleville Community Schools, Indiana Department of Education and the United States Department of Education relating to the enrollment of students, justification of grants, and/or special education funding;
- Any and all records from parents/guardians/students or other educational institutions relating to student enrollment and attendance, and including communications and enrollment applications;
- Any and all records relating to recruitment of students, including the following:
  - o Any documents relating to compensation tied to recruitment;
  - o Any completed or incomplete enrollment forms;
  - o Any computer programs or documents relating to enrolling students;
- Any and all of the following items relating to Indiana Virtual School and Indiana Virtual Pathways Academy:
  - o Any and all documents and records relating to incorporation and corporate governance, including but not limited to articles or certificates of incorporation or organization, by-laws, and organizational charts;
  - o Any and all documents and records showing any and all ownership interests of the business entities;
  - o Any and all documents and records relating to current and former employees, including any and all personnel information, names and identifying information, payroll records, and training records;
- Any and all communications with the following individuals:
  - o Thomas Stoughton
  - o Merle Bright
  - o XXXXX
  - o XXXXXX

If you have knowledge of any documents that would be responsive to this Subpoena, but has been lost, destroyed, redacted, or discarded, you shall identify the document to the extent possible, and provide an explanation of the loss, destruction, redaction, or discarding, including identification of each person authorizing or having knowledge of the loss, destruction, redaction, or discarding.

Please supply requested information in electronic format.

**You may comply with this request by sending the documents to the following:**

Federal Bureau of Investigation  
ATTN: SA Matthew VanDevender  
8825 Nelson B. Klein Parkway  
Indianapolis, IN 46250  
Phone: 317-845-2329  
Fax: 317-845-4805  
[mtvandevender@fbi.gov](mailto:mtvandevender@fbi.gov)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: GRAND JURY SUBPOENA

CERTIFICATION PURSUANT TO RULES 803(6) AND 902(11)  
OF THE FEDERAL RULES OF EVIDENCE AND 28 U.S.C. § 1746

Pursuant to Rules 803(6) and 902(11) of the Federal Rules of Evidence and subject to the penalties for perjury under 28 U.S.C. § 1746, I hereby certify, to the best of my knowledge information, and belief, that:

1. My name is \_\_\_\_\_, I am a United States citizen and am over eighteen years of age. I am the custodian of records of the business named below ("business"), or I am otherwise qualified as a result of my position with the business to act in the capacity of a custodian of records.<sup>1</sup>

2. I received the above-referenced United States District Court Subpoena requesting specified records of the business. Attached hereto are the records responsive to the subpoena.

3. Pursuant to Rules 803(6) and 902(11) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

A. Were made at or near the time of the occurrence of the \_\_\_\_\_ matters set forth in the records, by or from information transmitted by, a person with knowledge of those matters;

B. Were kept in the course of the regularly conducted business activity of the \_\_\_\_\_

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<sup>1</sup>  
"Record" includes a "memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses." Fed.R.Evid. 803(6). "Business" includes "business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit." Fed.R.Evid. 803(6).

business; and

C. Were made by the regularly conducted business activity as a regular practice of the business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
(signature of declarant)

\_\_\_\_\_  
name and title of declarant)

\_\_\_\_\_  
(name of business)

\_\_\_\_\_  
(business address and telephone number)

Subscribed and sworn to before me, a notary public, on this \_\_\_\_\_ day of \_\_\_\_\_  
201.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_